

**Thomas Jefferson to William Wirt, April 12, 1812, from
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Ford.**

TO WILLIAM WIRT J. MSS.

Monticello Apr. 12. 12.

Dear Sir, —Mr. Livingston's suit having gone off on the plea to the jurisdiction, it's foundation remains of course unexplained to the public. I have therefore concluded to make it public thro' the ordinary channel of the press. An earlier expectation of the pamphlets and the desire to send one has delayed, from post to post, my sooner acknowledging your kind aid in this case, and praying your acceptance of the remuneration I now inclose, for the trouble I gave you in reading so much stuff on the subject, and your exertions in the defence. The debt of gratitude however is of a different nature, & is sincerely felt. Considering the infinite trouble which the question of right to the Batture, & the immense volume of evidence to be taken, at New Orleans, would have given to my counsel and myself, I am well satisfied to be relieved from it, altho' I had a strong desire that the public should have been satisfied by a trial on the merits, & the abler discussion of them by my counsel.

A love of peace and tranquility, strengthened by age and a lassitude of business, renders it extremely disquieting to me to be harrassed by vexatious lawsuits by persons who have no earthly claim on me, in cases where I have been merely acting for others. In Nov. last I was served with a subpoena in chancery at the suit of the executors of Mrs. Randolph (mother to Mr. E. R.) in which Mr. Norborne Nicholas, & perhaps a dozen others, are also

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named defendants. The object of this I cannot devine: I never had any matter of business with Mrs. Randolph, nor ever saw a farthing of hers. I once indeed transacted a single

affair of hers as a friend, at her earnest sollicitation, to relieve her from pressing distress, and under a regular power of attorney. How this can have subjected me to pass the remainder of my life in a court of chancery is as incomprehensible, as it is discouraging to the indulgence of our feelings in the services asked from us by our friends. I have taken measures to get a copy of the bill; and if a substantive defence is required from me, I shall ask the favor of your attention to it, as I have done in the same case of Mr. Hay.

The enclosed paper written for you a year or two ago, has laid by me with a view still to add something to it, but on reflection, I send it as it is.¹ The additional matter contemplated respected Mr. Henry's ravenous avarice, the only passion paramount

¹ The following is the paper alluded to:

“My acqce with mr Henry commenced in the winter of 1759–60. On my way to college I passed the Xmas holidays at Colo Dandridge's, in Hanover, to whom mr Henry was a near neighbor. During the festivity of the season I met him in society every day, & we became well acquainted, altho I was much his junior, being then but in my 17th year & he a married man. The spring following he came to Wmsbg to obtain a license as a lawyer, & he called on me at college. He told me he had been reading law only 6. weeks. Two of the examiners, however, Peyton & John Randolph, men of great facility of temper, signed his license with as much reluctance as their dispositions would permit them to shew. Mr Wythe absolutely refused. Rob: C. Nicholas refused also at first, but on repeated importunities and promises of future reading, he signed. These facts I had afterwds from the gentlemen themselves, the two Randolphs acknoleging he was very ignorant of law, but that they perceived him to be a young man of genius, & did not doubt he would soon qualify himself.

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“He was some time after elected a representative of the county of Hanover and brought himself into public notice on the following occasion, which I think took place in 1762, or a year sooner or later. The gentlemen of this country had at that time become deeply involved in that state of indebtment which has since ended in so general a crush of their fortunes. Robinson the speaker was also Treasurer, an officer always chosen by the Assembly. He was an excellent man, liberal, friendly and rich. He had been drawn in to lend on his own account great sums of money to persons of this description, & especially those who were of the assembly. He used freely for this purpose the public money, confiding for it's replacement in his own means & the securities he had taken on those loans. About this time however he became sensible that his deficit to the public was become so enormous as that a discovery must soon take place, for as yet the public had no suspicion of it. He devised therefore with his friends in the assembly a plan for a public loan office to a certain amount, from which monies might be lent on public acct & on good landed security to individuals. This was accordingly brought forward in the House of Burgesses, and had it succeeded, the debts due to Robinson on these loans would have been transferred to the public, & his deficit thus completely covered. This state of things however was not yet known; but mr Henry attacked the scheme on other general grounds in that style of bold grand and overwhelming eloquence, for which he became so justly celebrated afterwds. He carried with him all the members of the upper counties, and left a minority composed merely of the aristocracy of the country. From this time his popularity swelled apace, & Robinson dying 4. years after, his deficit was brought to light, & discovered the true object of the proposition.

“The next great occasion on which he signalised himself was that which may be considered as the dawn of the Revoln in March 1764. The British parliament had passed resolns, preparatory to the levying a revenue on the colonies by a stamp tax. The Virginia assembly at their next session, prepared & sent to England very elaborate representns addressed in separate forms to the King, Lords and Commons, against the right to impose such taxes. The famous stamp act was, however, past in Jan., 1765 and in the session

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of the Virgi assembly of May following, mr. Henry introduced the celebrated resols of that date. These were drawn by George Johnson, a lawyer of the Northern neck, a very able, logical and correct speaker. Mr Henry moved and Johnston seconded these resols successively. They were opposed by Randolph, Blood, Pendleton, Nicholas, Wythe & all the old members whose influence in the house had till then been unbroken. They did it, not from any question of our rights, but on the ground that the same sentiments had been at their preceding session expressed in a more conciliatory form to which the answers were not yet received. But torrents of sublime eloquence from mr Henry, backed up by the solid reasoning of Johnston, prevailed. The last however, & strongest resoln was carried but by a single vote. The debate on it was most bloody. I was then but a student and was listening at the door of the lobby (for as yet there was no gallery) when Peyton Randolph, after the vote, came out of the house and said, as he entered the lobby 'By god I would have given 500 guineas for a single vote,' for as this would have divided the house, the vote of Robinson, the speaker, would have rejected the resolution. Mr. Henry left town that evening and the next morning before the meeting of the house, I saw Peter Randolph, then of the council, but who had formerly been clerk in the house, for an hour or two at the clerk's table searching the old journals for a precedent while he was clerk, of a resolution of the house erased from the journals by a subsequent order of the house. Whether he found it or not I do not remember; but when the house met, a motion was made & carried to erase that resoln; and there being at that day but one printer & he entirely under the controul of the governor, I do not know that this resoln ever appeared in print. I write this from memory, but the impression made on me, at the time, was such as to fix the facts indelibly in my mind.

"I came into the Legislature as a burgess for Albemarle in the winter of 1768/9. on the accession of L'd. Botetourt to the government and about 9-years after mr. Henry had entered on the stage of public life. The exact conformity of our political opinions strengthened our friendship, and indeed, the old leaders of the house being substantially firm, we had not after this any differences of opn in the H. of B. on matters of principles,

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tho sometimes on matters of form. We were dissolved by Ld Botetourt at our first session; but all were re-elected. There being no divisions among us, occasions became very rare for any display of mr H's eloquence. In ordinary business he was a very inefficient member. He could not draw a bill on the most simple subject which wd bear legal criticism, or even the ordinary criticism which looks to correctness of style & ideas, for indeed there was no accuracy of idea in his head. His imagination was copious, poetical, sublime, but vague also. He said the strongest things in the finest language, but without logic, without arrangement, desultorily. This appeared eminently & in a mortifying degree in the 1st session of the 1st Congress which met in Sep 1774.

“Mr Henry & Richard Henry Lee took at once the lead in that assembly, and by the high style of their eloquence were in the first days of the session looked up to as *primi inter pares*. A petition to the King, an Address to the people of G. Britain, and a Memorial to the people of British America were agreed to be drawn. Lee, Henry & others were appointed for the first, & Lee, Livingston & Jay for the two last. The splendor of their debut occasioned mr Henry to be designated by his commee to draw the petn to the king, with which they were charged, and mr Lee was charged with the address to the people of England. The last was first reported. On reading it every countenance fell and a dead silence ensued for many minutes. At length, it was laid on the table for perusal and considn till the next day when first one member, and then another arose, & paying some faint compliment to the composition observed that there were still certain considerations not expressed in it, which should properly find a place in it. At length mr Livingston (the govr of N.J.) a member of the commee rose and observed that a friend of his had been sketching what he had thought might be proper for such an address, from which he thought some paragraphs might be advantageously introduced into the draught proposed: and he read an address which mr Jay had prepared *de bene ese* as it were. There was but one sentiment of admirn. The address was recommitted for amendment, and mr Jays draught reported & adopted with scarce any altern. These facts were stated to me by mr Pendleton and Colo Harrison of our own delegation, except that Colo Harrison ascribed

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the draught to Govr. Livingston & were afterwards confirmed to me by Govr Livingston, & I will presently mention an anecdote confirmative of them from mr Jay and R. H. Lee themselves.

“Mr. Henry's draught of a petn to the king was equally unsuccessful, and was recommitted for amendment. Mr John Dickenson was added to the commee & a new draught prepared by him was passed.

“The occasion of my learning from mr Jay that he was the author of the Address to the people of Gr. Britain requires explanation by a statement of some preceding circumstances. The 2d session of the 1st Congress met on their own adjmt in May, 1775. Peyton Randolph was their president. In the mean time Ld. North's conciliatory proposns came over to be laid by the Governors before their Legislatures. Ld. Dunmore accdly called that of Virginia to meet in June. This obliged P. Randolph as Speaker to return. Our other old members being at Congress, he pressed me to draw the answer to Ld. North's proposn. I accdly did so, and it passed with a little softening of some expressions for which the times were not yet ripe & wire-drawing & weakening some others to satisfy individuals. I had been appointed to go on to Congress in place of Peyton Randolph, & proceed immediately, charged with presenting this answer to Congress. As it was the first which had been given, and the tone of it was strong the members were pleased with it hoping it would have a good effect on the answers of the other states. A Commee which had been appointed to prepare a Declaration to be published by Genl. Washington on his arrival at the army, having reported one, it was committed, & Dickinson & myself added to the commee. On the adjournment of the house happening to go out with Govr. Livingston, one of the Commee, I expressed to him my hope he would draw the Declaration. He modestly excused himself, & expressed his wish that I would do it. But urging him with considerable importunity, he at length said ‘You & I, sir, are but new acquaintances: what can have excited so earnest a desire on your part that I should be the Draughtsman?’ ‘Why, sir,’ said I, ‘I have been informed you drew the Address to the people of Gr. Brit. I think it the first composition in the English language, & therefore am anxious this declaration should

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be prepared by the same pen.' He replied, that I might have been 'misinformed on that subject.' A few days after being in conversation with R. H. Lee in Congress till a little before the meeting of the house, Mr Jay observing us, came up, & taking R. H. Lee by a button of the coat said to him pretty sternly, 'I understand, sir, that you informed this gentleman that the Address to the people of Gr. Br. presented to the commee by me was drawn by Govr. Livingston.' The fact was that the Commee having consisted of only Lee, Livingston, who was fath-in-1. of Jay & Jay himself & Lee's draught having been rejected & Jay's approved so unequivocally, his suspicions naturally fell on Lee as the author of the report; & the rather as they had daily much sparring in Congress, Lee being firm in the revolutionary measures, and Jay hanging heavily on their rear. I immediately stopped Mr Jay, and assured him that tho' I had indeed been so informed, it was not by Mr Lee, whom I had never heard utter a word on the subject.

"I found Mr Henry to be a silent & almost unmeddling member in Congress. On the original opening of that body, while general grievances were the topics, he was in his element & captivated all by his bold & splendid eloquence. But as soon as they came to specific matters, to sober reasoning and solid argumentation he had the good sense to perceive that his declamation however excellent in its proper place, had no weight at all in such an assembly as that, of cool-headed, reflecting, judicious men. He ceased therefore in a great measure to take any part in the business. He seemed indeed very tired of the place & wonderfully relieved when, by appointment of the Virginia convention to be Colo of their 1st regiment he was permitted to leave Congress about the last of July. How he acquitted himself in his military command will be better known from others. He was relieved from his position again by being appointed Governor on the first organization of the government. After my service as his successor in the same office my appointment to Congress in 1783. mission to Europe in 84. & appointment in the new govmt in 89. kept us so far apart that I had no further personal knolege of him.

"Mr Henry began his career with very little property. He acted, as I have understood, as barkeeper in the tavern at Hanover C. H. for sometime. He married very young;

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settled, I believe, at a place called the Roundabout in Louisa, got credit for some little store of merchandize, but very soon failed. From this he turned his views to the law, for the acquisition or practice of which however he was too lazy. Whenever the courts were closed for the winter session, he would make up a party of poor hunters of his neighborhood, would go off with them to the pinywoods of Fluvanna, and pass weeks in hunting deer, of which he was passionately fond, sleeping under a tent, before a fire, wearing the same shirt the whole time, & covering all the dirt of his dress with a hunting-shirt. He never undertook to draw pleadings if he could avoid it or to manage that part of a cause & very unwillingly engaged, but as an assistant, to speak in the cause. And the fee was an indispensable preliminary, observing to the applicant that he kept no accounts, never putting pen to paper, wch was true. His powers over a jury were so irresistible that he received great fees for his services, & had the reputation of being insatiable in money. After about 10. years practice in the Country courts he came to the Genl. court where however being totally unqualified for anything but mere jury causes, he devoted himself to these, & chiefly to the criminal business. From these poor devils it was always understood that he squeezed exorbitant fees of 50 100. & 200. From this source he made his great profits, & they were said to be great. His other business, exclusive of the criminal, would never, I am sure, pay the expenses of his attendance. He now purchased from mr Lomax the valuable estate on the waters of Smith's river, to which he afterwards removed, The purchase was on long credit & finally paid in depreciated paper not worth oak leaves. About the close of the war he engaged in the Yazoo speculation, & bought up a great deal of depreciated paper at 2/ & 2/6 in the pound to pay for it. At the close of the war, many of us wished to reopen all accounts which had been paid in depreciated money, and have them settled by the scale of depreciation, but on this he frowned most indignantly, & knowing the general indisposition of the legislature, it was considered hopeless to attempt it with such an opponent at their head as Henry. I believe he never distinguished himself so much as on the similar question of British debts in the case of Jones & Walker. He had exerted a degree of industry in that case totally foreign to his character, and not only seemed, but had made himself really learned on the subject. Another of the great

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occasions on which he exhibited examples of eloquence such as probably had never been exceeded, was on the question of adopting the new constitution in 1788. To this he was most violently opposed, as is well known; and after its adoption he continued hostile to it, expressing more than any other man in the U. S. his thorough contempt & hatred of Genl. Washington. From being the most violent of all anti-federalists however he was brought over to the new constitution by his Yazoo speculation, before mentioned. The Georgia legislature having declared that transaction fraudulent & void, the depreciated paper which he had bought up to pay for the Yazoo purchase was likely to remain on his hands worth nothing. But Hamilton's founding system came most opportunely to his relief, and suddenly raised his paper from 2/6 to 27/6 the pound. Hamilton became now his idol, and abandoning the republican advocates of the constitution, the federal government on federal principles became his political creed. Genl. Washington flattered him by an appointment to a mission to Spain, which he declined; & by proposing to him the office of Secretary of State, on the most earnest solicitations of Genl Henry Lee, who pledged himself that Henry should not accept it; for Genl Washington knew that he was entirely unqualified for it, & moreover that his self-esteem had never suffered him to act as second to any man on earth. I had this fact from information, but that of the mission to Spain is of my own knowledge because after my retiring from the office of Secy of State Genl. Washington passed the papers to Mr Henry through my hands. Mr Henry's apostasy sunk him to nothing in the estimation of his country. He lost at once all that influence which federalism had hoped, by cajoling him, to transfer with him to itself and a man who thro a long & active life had been the idol of his country beyond any one that ever lived, descended to the grave with less than it's indifference, and verified the saying of the philosopher, that no man must be called happy till he is dead. [Printed in *The (Philadelphia) Age*, July, 1867, 'from the original manuscript in the office' of the paper. It was sharply criticised in the New York *World* of August 2 and 3, 1867, by William Wirt Henry.]”

to his love of popularity. The facts I have heard on that subject are not within my own knowledge, & ought not to be hazarded but on better testimony than I possess. And if they

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are true, you have been in a much better situation than I was to have information of them. I salute you with great & affectionate esteem and respect.

P.S. Altho the pamphlets have been some weeks at Fredsburg and expected by every stage, I am still disappointed in receiving them. I detain my letter therefore no longer, but will inclose one on it's arrival.